

Page 1

4      CARL ORLANDO, JR., on behalf of himself  
and others similarly situated,

**Plaintiff,**

- against -

8 LIBERTY ASHES, INC., FRANCESCO  
BELLINO, MICHAEL BELLINO, JR.,  
9 STEPHEN BELLINO, and MICHAEL  
BELLINO,

## Defendants.

March 27, 2018

3 : 13 p.m.

17 DEPOSITION of JESSICA GAMBINO,  
18 taken by Plaintiff, pursuant to Subpoena,  
19 held at the offices of JOSEPH &  
20 KIRSCHENBAUM LLP, 32 Broadway, New York,  
21 New York before Wayne Hock, a Notary  
22 Public of the State of New York.

Page 2

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2 A P P E A R A N C E S:

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4 JOSEPH & KIRSCHENBAUM LLP  
5 Attorneys for Plaintiff  
6 BY: DENISE SCHULMAN, ESQ.  
7 FINN DUSENBERY, ESQ.

8

9 TRIVELLA & FORTE LLP  
10 Attorneys for Defendants  
11 BY: CHRISTOPHER SMITH, ESQ.

12

13 STARR, GERN, DAVISON & RUBIN, P.C.  
14 Attorneys for Witness  
15 BY: LISA J. JURICK, ESQ.

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Page 3

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2 J E S S I C A G A M B I N O , having  
3 been first duly sworn by a  
4 Notary Public of the State of  
5 New York, upon being examined,  
6 testified as follows:

7 EXAMINATION BY

8 MS. SCHULMAN:

9 Q. Please state your full name.

10 A. Jessica Gambino.

11 Q. What is your current address?

12 A. 325 73rd Street, Brooklyn, New  
13 York 11209.

14 Q. Good afternoon, Ms. Gambino.

15 A. Good afternoon.

16 Q. Have you ever been deposed  
17 before?

18 A. No.

19 Q. So I'm just going to go over a  
20 few ground rules before we get started.

21 I'm going to ask you a number of  
22 questions. The court reporter here will  
23 take down everything we say. Because of  
24 that, it's important that you give verbal  
25 answers so the court reporter can record

Page 6

1                           J. Gambino

2       Q.     Did you talk to anyone other  
3     than your attorneys about this deposition?

4       A.     No.

5       Q.     And what is your position with  
6     Local 890 League of International  
7     Federated Employees?

8       A.     Senior office manager.

9       Q.     And the union is referred to as  
10   LIFE; correct?

11      A.     Yes, League of International  
12     Federated Employees.

13      Q.     Just to keep things shorter, I'm  
14     going to refer to it as LIFE.

15                          How long have you been the  
16     office manager there?

17      A.     Fifteen years.

18                          (Whereupon, a document entitled  
19     Subpoena to Testify At a Deposition in  
20     a Civil Action was marked Plaintiff's  
21     Exhibit 1 for identification.)

22      Q.     I'm showing you what's been  
23     marked as Exhibit 1. This is the subpoena  
24     that we served on LIFE for today's  
25     deposition.

Page 7

1                           J. Gambino

2                           Have you seen this before?

3                           A. Yes.

4                           Q. And if you turn to the last  
5 page, there's a list of topics for this  
6 deposition, and you're prepared to testify  
7 about all of these topics today?

8                           A. Yes.

9                           MS. SCHULMAN: You can put that  
10 away.

11                          Q. And what are your  
12 responsibilities as the senior office  
13 manager at LIFE?

14                          A. I manage the office, all the  
15 in-office employees and outside employees  
16 as well.

17                          Q. And LIFE is the union for  
18 employees of Liberty Ashes; correct?

19                          A. Correct.

20                          Q. Do you know how long that's been  
21 the case?

22                          A. I'm not a hundred percent sure.

23                          Q. For many years?

24                          A. Yes.

25                          Q. And how does someone become a

Page 12

1                           J. Gambino

2         A.     Correct.

3         Q.     And then a little further down  
4 it says date of term.

5                           What does that mean?

6         A.     Date of termination.

7         Q.     Termination of what?

8         A.     Of being a union member.

9         Q.     So now looking on -- let's skip  
10 LIFE 022 because it's not the clearest  
11 copy of that type of document.

12                          LIFE 23, that's another employee  
13 file inquiry for Leonard Menna; correct?

14         A.     Correct.

15         Q.     And then the next page, LIFE 24,  
16 this is the application and checkoff  
17 authorization for Mr. Menna; correct?

18         A.     Correct.

19         Q.     And so if you look now it's on  
20 the bottom of the page, in big letters it  
21 says LIFE and then the title is  
22 Application and Checkoff Authorization  
23 Blank.

24                          Does that mean this is the  
25 application for membership?

Page 13

1                   J. Gambino

2       A.       Yes.

3       Q.       And this has to be filled out in  
4     order to become a member; correct?

5       A.       Correct.

6       Q.       Who gives these to an employee  
7     to fill out, LIFE or Liberty, the company?

8       A.       LIFE.

9       Q.       Who hands them out?

10      A.       Our union delegates.

11      Q.       Who's the union delegate for  
12     Liberty?

13      A.       I believe it's Dina Chiclana.

14      Q.       Now, at the top of the page  
15     there's some handwritten stuff. At the  
16     very top there's a number sign 0502.

17                  Do you see that?

18      A.       Yes.

19      Q.       Do you know what that means?

20      A.       Yes, that's the shop number for  
21     Liberty Ash.

22      Q.       And who wrote that in?

23      A.       Whoever enrolled this person  
24     into our system.

25      Q.       So someone from LIFE?

Page 21

1                           J. Gambino

2    collective bargaining agreements between  
3    Liberty and LIFE?

4    A.     Yes.

5                           (Whereupon, a multi-page  
6    document was marked Plaintiff's  
7    Exhibit 4 for identification.)

8    Q.     I'm showing you what's been  
9    marked as Exhibit 4. This is -- this was  
10   filed -- this is a docket entry 99-1 from  
11   this case or 90-1. It's a little hard to  
12   read because I think it was filed twice.

13                          Is this the collective  
14    bargaining agreement between LIFE and  
15    Liberty Ashes for the period January 1,  
16    2012 to December 31, 2015?

17    A.     (Reviewing).

18                          Yes.

19    Q.     In what capacity are you  
20    familiar with the CBAs?

21    A.     Somewhat.

22    Q.     How have you gained whatever  
23    familiarity you do have?

24    A.     Basically, I'm only in charge of  
25    setting up the contracts but I have

Page 22

1                           J. Gambino

2 nothing to do as far as negotiations.

3 Q. So you're just handling the  
4 administrative end of things?

5 A. Exactly.

6 (Whereupon, a document entitled  
7 Memorandum of Agreement  
8 was marked Plaintiff's Exhibit 5  
9 for identification.)

10 Q. I'm showing you what's been  
11 marked as Exhibit 5. This is Bates  
12 stamped LIFE 85.

13 Is this a memorandum of  
14 agreement between Liberty Ashes and LIFE  
15 dated December 22, 2015?

16 A. Yes.

17 (Whereupon, a document entitled  
18 Memorandum of Agreement was marked  
19 Plaintiff's Exhibit 6  
20 for identification.)

21 Q. I'm showing you what's been  
22 marked as Exhibit 6. This is Bates  
23 stamped LIFE 86 to 89.

24 Is this a memorandum of  
25 agreement between Liberty and LIFE from

Page 23

1                           J. Gambino

2 December, 2016?

3 A. Yes.

4 Q. Do you have any understanding of  
5 how this memorandum of agreement came  
6 about?

7 A. No, I'm just an administrator  
8 when it comes to it.

9 Q. Do you know whether CBAs or  
10 memorandums of agreement between Liberty  
11 and LIFE need to be ratified by the  
12 membership?

13 A. Yes.

14 Q. Yes, you know or yes, they do,  
15 or both?

16 A. Both.

17 Q. How do you know that they need  
18 to be ratified?

19 A. From working in the union.  
20 That's what I learned.

21 Q. That they need to be ratified?

22 A. Uh-huh.

23 Q. Do you know who's eligible to  
24 vote on a ratification?

25 A. No.

Page 29

1                           J. Gambino

2       Q.     Does LIFE have withdrawal cards?

3       A.     No.

4                           MS. SCHULMAN: Let's take a short  
5                           break.

6                           (Whereupon a break was taken)

7                           MS. SCHULMAN: I don't have any  
8                           other questions.

9                           MR. SMITH: I just want to make  
10                          sure the documents produced were  
11                          business records of LIFE, so I guess  
12                          we can mark --

13                          MS. SCHULMAN: You don't want to  
14                          use the same ones as us?

15                          MR. SMITH: Off the record.

16                          (Discussion held off the record)

17                          MR. SMITH: So we'll mark this as  
18                          nine. Exhibit 9 is documents Bates  
19                          stamped previously as LIFE 004 through  
20                          and including LIFE 089.

21                          (Whereupon, multiple documents  
22                          were marked Plaintiff's Exhibit 9  
23                          for identification.)

24                          (CONTINUED ON NEXT PAGE)

Page 30

1                           J. Gambino

2     EXAMINATION BY

3     MR. SMITH:

4         Q.     I'm just going to show you what  
5     we're going to have marked as Exhibit 9.

6                           Can you just tell me if those  
7     are records or copies produced that were  
8     made by personnel or staff of LIFE?

9                           MS. JURICK: Take your time.

10                          THE WITNESS: (Reviewing).

11         Q.     Or it could be people acting  
12    under the control of LIFE representatives  
13    as well.

14         A.     (Reviewing).

15                          Yes.

16         Q.     And were those documents kept in  
17    the regular course of business of LIFE?

18         A.     Yes.

19         Q.     And is it the regular course of  
20    business for LIFE to make such records?

21         A.     Yes.

22                          (CONTINUED ON NEXT PAGE)